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Underlined material is that portion being added

BILL NO. 2-17-09-1(A)

SUMMARY – An ordinance amending Title 2 of the Clark County Code by adding a new chapter concerning the registration of persons who lobby members of the Board of County Commissioners; defining terms related to lobbying; requiring lobbyists to file registration statements and disclosure forms; prohibiting certain acts relating to lobbyists and lobbying and establishing penalties therefore; and providing for other matters properly relating thereto.

ORDINANCE NO. 3754
(of Clark County, Nevada)

AN ORDINANCE AMENDING TITLE 2 OF THE CLARK COUNTY CODE BY ADDING A NEW CHAPTER CONCERNING THE REGISTRATION OF PERSONS WHO LOBBY MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; DEFINING TERMS RELATED TO LOBBYING; REQUIRING LOBBYISTS TO FILE REGISTRATION STATEMENTS AND DISCLOSURE FORMS; PROHIBITING CERTAIN ACTS RELATING TO LOBBYISTS AND LOBBYING AND ESTABLISHING PENALTIES THEREFOR; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 2 of the Clark County Code is amended by the addition of a new chapter, designated as Chapter 2.39, to read as follows:

Chapter 2.39

LOBBYIST REGISTRATION

2.39.010 Declaration of policy – chapter supersedes prior Board resolution on lobbyists.

1. It is the declared policy of Clark County that:

A. The operation of responsible, representative government requires the fullest opportunity be afforded to the people to express freely to individual members of the Board of County Commissioners their opinions on legislation or other matters before the Board; and

B. Certain records regarding lobby activities should be made available to the public in order to promote the spirit of transparency in government and to address the appearance of influence exerted by lobbyists, as well as those individuals who stand to financially benefit from the actions of the Board.

2. The provisions of this chapter are intended to replace the lobbyist registration policy adopted by the Board on August, 6, 2002.

2.39.020 Definitions.

In the construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise:

1. "Commission" means the Clark County Board of County Commissioners.

2. "Commissioner" means a member of the Clark County Board of County Commissioners.

3. "Governmental action" means any item or matter that may be or is acted upon by the Commission including, but not limited to, the adoption of ordinances and resolutions, the approval of contracts, the approval of licenses, the approval of zoning applications, adoption of, or amendments to, land-use plans.

4. A. Unless excluded pursuant to paragraph B of this subsection, "lobbyist" means a person who communicates directly with a Commissioner on behalf of someone other than himself for the purpose of influencing governmental action of the Commission with regard to an agenda item that is to come before the Commission for action whether or not any compensation is received for the communication.

B. "Lobbyist" does not include:

(i). Persons who confine their activities to formal appearances before the Commission and who clearly identify themselves and the interest or interests for whom they are testifying.

(ii). Employees of a bona fide news medium who contact a Commissioner for the sole purpose of carrying out their news gathering function.

(iii). Employees of departments or agencies of the County, other governmental entities, and governmental boards or committees who appear before the Commission or a governmental board or committee only to explain the effect of items or matters related to their departments or agencies.

(iv). Elected officers of the State of Nevada and its political subdivisions, officials or representatives of the Federal Government who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(v). Persons who communicate directly with a Commissioner on behalf of nonprofit organizations.

2.39.030 Registration as lobbyist – contents of registration statement - badges.

1. Every person who acts as a lobbyist shall, not later than 5 days after the beginning of that activity, file a registration statement with the County Clerk, Commission Division, in such form as the Clerk prescribes. A person who engages in lobbying activity on a regular basis shall file an annual registration statement no later than January 10 of each calendar year.

2. The registration statement of a lobbyist must contain the following information:

A. The registrant's full name, permanent address, place of business and temporary address, if any, while lobbying.

B. The full name and complete address of each person, group or organization, if any, by whom the registrant is retained or employed or on whose behalf the registrant will be lobbying.

C. A listing of any direct business associations or partnerships involving any current Commissioner and the registrant. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a statement of financial disclosure made by a candidate for public office or a public officer pursuant to NRS 281A.620.

D. The name of any Commissioner for whom the registrant, for compensation or, has, in connection with a political campaign of the Commissioner, provided for compensation consulting, advertising or other professional services since the beginning of the preceding calendar year.

3. The County Clerk, or their designated representative in the Commission Division, shall furnish an appropriate identification badge to each lobbyist who files a registration statement other than annually. The lobbyist must wear the identification badge. Persons who engage in lobbying activity on a regular basis and who file an annual registration statement need not wear a badge.

2.39.040 Disclosures by lobbyists – contents of disclosure forms.

1. Whenever a lobbyist communicates directly with one or more Commissioners on a governmental action that may be acted upon by the Commission, the lobbyist must file a disclosure form with the County Clerk, Commission Division, in such form as the Clerk prescribes. The disclosure form must be filed within 5 days after the communication occurs. The disclosure form must contain the following information:

A. The name of the lobbyist as stated on the lobbyist registration statement.

B. The name of the person, group, or organization the lobbyist was representing when the communication was made.

C. The name of the Commissioner or Commissioners with whom the lobbyist communicated.

D. The date of the communication.

E. The agenda item or description of the matter that was the subject of the communication.

2.39.050 Registration forms and disclosure forms as public documents.

Registration statements and disclosure forms shall be public documents and shall be maintained by the County Clerk, Commission Division. Copies of registration statements and disclosure forms shall be posted by the County Manager's office on the County's website.

2.39.060 Prohibited acts relating to lobbyists.

1. A lobbyist shall not:

A. Knowingly or willfully make any false statement or misrepresentation of facts in a registration statement or disclosure form.

B. Knowingly act as a lobbyist without filing a registration statement in accordance with section 2.39.030 or knowingly communicate with a Commissioner without filing a disclosure form in accordance with section 2.39.040.

C. Indicate that the lobbyist has authorization from a Commissioner, or misrepresent the scope of such authorization, to request a County employee to execute an action with respect to a zoning matter unless he has such authority in writing.

D. Instigate the introduction of any land-use or zoning change for the purpose of obtaining employment to lobby against such change.

2. As defined in the County's Amendatory Ethics Resolution adopted on January 4, 2004, a Commissioner or a member of a Commissioner's household shall not solicit anything of value from a lobbyist or accept any gift from a lobbyist unless permitted pursuant to NRS 281A.620.

3. A member of the Commission staff shall not solicit or accept any gifts from a lobbyist in accordance with the Merit Personnel and Board policy.

2.39.070 Failure to comply with registration and disclosure requirements.

1. The County Manager shall release to the public and post on the County website the name of any lobbyist who does not comply with any of the requirements of this chapter.

2. If a person knowingly acts as a lobbyist without filing a registration statement in accordance with section 2.39.030, the person may be prohibited from registering as a lobbyist for a period up to 6 months upon action of the Commission.

3. If a lobbyist, on two or more occasions in a calendar year, fails to file a required disclosure form, or knowingly acts as a lobbyist without filing a registration statement in accordance with section 2.39.030, the lobbyist may have their registration suspended for a period up to 2 months upon action of the Commission.

2.39.080 Penalty for violations of chapter.

In addition to the actions that may be taken by the Commission pursuant to section 2.39.070, any person who violates any of the provisions of this chapter may be punished by a fine not to exceed one thousand dollars after a hearing before the Board of County Commissioners.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be published by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks. This ordinance will take effect and be in force thirty days from and after its passage.

PROPOSED on the 17th day of February, 2009.

PROPOSED BY: Commissioner Rory Reid

PASSED on the 3rd day of March, 2009.

AYES: Susan Brager

Lawrence L. Brown III

Tom Collins

Chris Giunchigliani

Rory Reid

Steve Sisolak

Lawrence Weekly

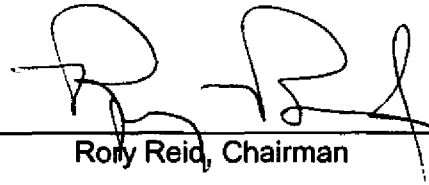
NAYS: None

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY:


Rory Reid, Chairman

ATTEST:


SHIRLEY B. PARGUIRRE, County Clerk

This ordinance shall be in force and effect from and after
the 18th day of March, 2009.

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC CLERK 4554450CC 5041515

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 2 edition(s) of said newspaper issued from 03/10/2009 to 03/17/2009, on the following days:

03/10/2009
03/17/2009

Ordinance No. 3754

AN ORDINANCE AMENDING TITLE 2 OF THE CLARK COUNTY CODE BY ADDING A NEW CHAPTER CONCERNING THE REGISTRATION OF PERSONS WHO LOBBY MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; DEFINING TERMS RELATED TO LOBBYING; REQUIRING LOBBYISTS TO FILE REGISTRATION STATEMENTS AND DISCLOSURE FORMS; PROHIBITING CERTAIN ACTS RELATING TO LOBBYISTS AND LOBBYING AND ESTABLISHING PENALTIES THEREFOR; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the sixth floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Rory Reid on the 17th day of February, 2009, and passed on the 3rd day of March, 2009, by the following vote of the Board of County Commissioners:

Aye: Susan Brager
Lawrence L. Brown III
Tom Collins
Chris Giunchigliani
Rory Reid
Steve Sisolak
Lawrence Weekly
Nay: None
Abstaining: None
Absent: None

This ordinance shall be in full force and effect from and after the 3rd day of April, 2009.

(SEAL)

SHIRLEY B. PARRAGUIRRE,
COUNTY CLERK and
Ex-Officio Clerk of the
Board of County
Commissioners
Dated this 3rd day of
March, 2009.
PUB: March 10, 17, 2009
LV Review-Journal

Signed

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

18th day of March, 2009.

Notary Public

